



Department of Planning & Community & Economic Development
Planning Division

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March 6, 2013

Hans Justeson
JSD Professional Services, Inc.
161 Horizon Drive, Suite 101
Verona, Wisconsin 53593

RE: File No. LD 1241 – Certified Survey Map – 4902-4908 Hammersley Road (Midwest Equity Properties, LLC)

Dear Mr. Justeson;

The one-lot certified survey combining your client's property located at 4902-4908 Hammersley Road, Section 32, Township 7N, Range 9E, City of Madison, Dane County, Wisconsin, is hereby **conditionally approved**. The site was recently rezoned by the Common Council to the SE (Suburban Employment District) on February 26, 2013. The conditions of approval from the reviewing agencies to be satisfied before final approval and recording of the CSM are:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following fourteen (14) conditions:

1. The concurrent demolition and rezoning site plan indicates the use of adjacent Wisconsin Department of Transportation right of way. Provide Eric Pederson of the City Engineering-Mapping Section (epederson@cityofmadison.com) the recording information or executed copies of leases and/or use of land agreements with WisDOT.
2. The concurrent demolition and rezoning site plan indicates the need to relocate existing public sanitary sewer. Coordinate necessary plans and land record easements through private contract agreement administered by City Engineering.
3. The applicant shall relocate the existing public sanitary sewer within public easement Doc. Nos. 1183175 and 1205591. The owner/applicant shall also work with the City Engineering Division and Office of Real Estate Services on the necessary release of said easements.
4. The owner/ applicant shall coordinate utility relocation and easement release work with all public utility companies with rights and facilities contained within scope of this CSM.
5. The existing 4-foot wide pedestrian access easement per Doc. No. 1355900 shall be released, as the private walk was never constructed.
6. The final CSM shall depict and reference the adjacent maintenance agreement Doc. No. 3917618 for the existing bicycle parking facility on the WisDOT lands, which affects this proposed redevelopment and land division.

7. Modify the proposed sanitary sewer easement to be a 15-foot wide public sanitary sewer easement.
8. The developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this CSM. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this CSM without the agreement executed by the developer.
9. Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map is subject to the following conditions:
 - a.) The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b.) No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c.) Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d.) The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e.) The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
10. The following note shall be placed on the CSM: "No changes in drainage patterns associated with development on any or all lots within this CSM shall be allowed without prior approval of the City Engineer."
11. Remove drainage arrows, notes (unless otherwise provided by City Engineering) and elevations from the face of the CSM.
12. A minimum of 2 working days prior to requesting City Engineering Division signoff on the CSM, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
13. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
14. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The developer's surveyor and/or applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering Division. If a new tie

sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The applicant shall identify monument types on all PLS corners included on the plat or CSM. Note: Land tie to two PLS corners required.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following item:

15. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:

16. Per MGO Section 13.21, all wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Please contact Jennifer Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following seven (7) items:

17. Prior to requesting final approval prior to recording, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.

18. A certificate of consent shall follow the Owner's Certificate and be executed by all mortgagees and/or vendors having an interest in the property prior to sign-off. Record title reports the following mortgage:

→ Heritage Credit Union, Document No. 4580373

Please include a mortgagee certification for the mortgage of record, or provide the recorded document that releases or satisfies said mortgage.

19. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language "...surveyed, divided, mapped and dedicated..."
20. Disclose any tenancy in excess of one year and provide the document number or tenancy description as a Note on the face of the CSM.
21. As of February 5, 2013, the 2012 real estate taxes have been paid in full for the subject property, with an overpayment shown for the property located at 4902 Hammersley Road. There are no special assessments reported.
22. The applicant shall verify that stormwater management charges are paid in full by contacting Janet Dailey with City Engineering (261-9688) or Sharon Pounders with the Madison Water Utility (266-4641).

23. The following CSM revisions shall be made:

- a.) Depict and label the 40-foot building setback as shown on Lot 1 of the Orchard Ridge plat, recorded on June 16, 1950 as Document No. 799477.
- b.) Include a note on Sheet 3 of the CSM that any owner of the lands within the CSM boundary are subject to an unrecorded Agreement for Use of Land with the Wisconsin Department of Transportation for adjacent public lands, as referenced within a Maintenance Agreement recorded as Doc. No. 3917618, which also encumbers any owner of the CSM lands.
- c.) Please detail which portion of easement Doc. No. 3640589 is to be released and which portion is to be retained, if any.
- d.) Satisfactions or releases for all mortgages, liens, judgments, or other instruments that no longer encumber the lands or ownership within the CSM boundary shall be recorded prior to CSM sign-off.
- e.) Record all necessary easement releases that are shown on Sheet 3 of the proposed CSM and include their recording information as a label next to their depiction.
- f.) Create and record, or show as being dedicated in the proposed CSM, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

A resolution approving the CSM and authorizing the City to sign it and any other documents related to the proposed land division was approved by the Common Council on February 5, 2013.

The conditions of approval for the rezoning and demolition permit of the subject property shall receive final staff approval, the final site plans approved, and the raze permit for 4908 Hammersley Road issued prior to the final approval of this CSM for recording. Please contact my office at 261-9632 if you have questions about this requirement.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (attached), the original along with the revised Certified Survey Map, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then record the certified survey at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Prior to City Engineering final sign-off by the main office of the CSM, the final CSM shall be submitted to the Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division signoff. E-mail submittal of the final CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com.

Upon acceptance and recording of the Certified Survey Map by the Dane County Register of Deeds, please transfer the recorded volume, document number, and page numbers to the copies and forward a copy to this office for our records. The original survey map with the recording information is permanently kept on file in the Dane County Register of Deeds Office. A copy of the recorded document can be obtained from the Register of Deeds Office, Room 110, City-County Building or the Real Estate Office in the Madison Department of Planning and Development.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the date of this letter. **The approval of this CSM shall be null and void if not recorded in six (6) months from the date of the approving resolution or this letter, whichever is later.** If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Dennis Cawley, Madison Water Utility
Eric Halvorson, Traffic Engineering Division
Jennifer Frese, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations